

MATTER OF GUTNICK*

In Deportation Proceedings

A-13438882

Decided by Board October 30, 1969

Where respondent, having a general plan to burglarize cars in different cities over a two-week period, was apprehended in the act in his first attempt in Phoenix, Arizona on February 29, 1969, was jailed overnight, given a hearing and released on bond the following day, and six days later on March 6, 1969 in a different city (Tucson) he burglarized another car belonging to a different individual, his convictions for the two crimes are not convictions arising out of a single scheme of criminal misconduct within the meaning of section 241(a) (4) of the Immigration and Nationality Act.

CHARGE:

Order: Act of 1952—Section 241(a) (4) [8 U.S.C. 1251(a) (4)]—Convicted of two crimes involving moral turpitude: burglary from vehicle and burglary, first degree.

ON BEHALF OF RESPONDENT:
Ruben Montemayor, Esquire
1414 Tower Life Building
San Antonio, Texas 78205

ON BEHALF OF SERVICE:
R. A. Vielhaber
Appellate Trial Attorney
Bernabe Q. Maldonado
Trial Attorney
(Brief filed)

Respondent appeals from the order of the special inquiry officer requiring his deportation on the charge stated in the caption. The appeal will be dismissed.

Respondent, a 38-year-old single male, a native and citizen of Canada, was admitted to the United States for permanent residence in 1963. From 1964 to 1968 he made short business and pleasure trips to Canada. He last returned from such a trip in September 1968.

Respondent's deportation is sought because he was twice convicted of crime. The issue is whether the crimes arose out of a

* The alien in this case is also the subject of Interim Decision No. 2075.